

New Make Up Mechanisms for Calamity Days in Excess of Ten¹ (10)
(Issued: 3/3/08)

Recently, section 3313.482(C) of the Ohio Revised Code was enacted (Am. Sub. H.B. 142 of the 127th G.A. – effective 3/24/08) to provide some flexibility to school districts that experience more than 10 calamity days. This document summarizes how this new section of law works.

Summary

Current law (ORC 3317.01 (B)) provides five calamity reasons that drive the various mechanisms discussed in this document. The mechanisms described in this document are ONLY applicable to school cancellation related to these types of occurrences. These are:

- Disease epidemic,
- Hazardous weather conditions,
- Inoperability of school buses or other equipment,
- Damage to a school building,
- Other temporary circumstances due to utility failure.

The following summarizes the various mechanisms available to address days of instruction that are cancelled for one of the above five reasons:

1. The first five (5) calamity days can be waived without being made up (ORC 3317.01 (B))
2. The next five (5) calamity days must be made up by scheduling and committing to the use of all five (5) of the contingency days required to be adopted by the district's board of education (ORC 3313.482(A)). The *actual* use of these days, however, does not have to occur before the mechanism available for handling days in excess of 10 (see no. 3 below) can be implemented. Nevertheless, by the end of the school year, the use of these days must occur.
3. **For calamity days in excess of ten (10), the district may add time to other days remaining on the district's calendar in order to make up the days missed – in increments of one-half hour.**
4. A district still has the choice to make up full days if it so desires.

Example:

District A has an elementary school day that is 6 hours long (the state minimum requirement is 5 for grades 1-6 excluding lunch), and a high school day that is 6.5 hours long (the state minimum required is 5.5 hours for grades 7-12 excluding lunch). District A has had 11 calamity days. The district used up its five allowed calamity days that are not required to be made up. The district has a contingency plan for five days. It schedules makeup days with students in attendance for those five days and will use them. By canceling school for a calamity on the eleventh day, the district lost **5 hours** of required instruction in the elementary school (even though the elementary day is 6 hours, the requirement for making up the time need only meet the minimum state standard) and **5.5 hours** of required instruction in the high school (even though the high school

¹ Throughout this document, the “normal” assumption is that a district has a calendar with the minimum number of days required by law. However, this is not always the case. In those instances where a district has more days included in their calendar than minimally required by state law and rule, the number of calamity days that do not need to be made up is increased, and the new mechanism for extending the day would come into play upon the sixth day after the number of calamity days that do not need to be made up have been used.

day is 6.5 hours, the requirement of making up the time need only meet the minimum state standard) – therefore, it has decided to add one-half hour per day for 10 days for the elementary school and for 11 days for the high school. The following table illustrates this example:

EXAMPLE

Number	Calamity Date	Mechanism
Day 1	August 23	Waiver Day 1 – No make up
Day 2	August 24	Waiver Day 2 – No make up
Day 3	Dec. 5	Waiver Day 3 – No make up
Day 4	Dec. 7	Waiver Day 4 – No make up
Day 5	Dec. 17	Waiver Day 5 – No make up
Day 6	Feb. 1	Make up – Feb. 18
Day 7	Feb. 7	Make up – March 24
Day 8	Feb. 11	Make up – March 25
Day 9	Feb. 12	Make up – June 2
Day 10	Feb. 13	Make up – June 3
Day 11	Feb. 22	Plan to add time: ½ hour each day for 10 days at elementary school, and 11 days at high school. On these days the elementary school day will now be 6.5 hours; and the high school day will be 7.0 hours.

Note that the district may begin adding the one-half hour increments even though all contingency days have not actually occurred. In the example, time will be added to some days even before the make up days in March and June have been used.

Questions:

Q: What happens if one of a district’s contingency days passes before the district finds itself needing it? For instance, if a district has the Martin Luther King Holiday on its contingency day plan, but does not exceed five calamity days prior to that date – and so does not schedule it for use?

A: In this case, the district cannot schedule and commit to the use of the day – since it is in the past. Therefore, the district must designate an additional contingency day. (The intent of the law seems to be to expect a district to schedule and commit to make up five full days before the strategy of adding half-hour increments can be used.)

Q: What if a district’s day is already longer than the statutory minimum? Can the district count the already scheduled time included in the longer day as applicable toward the amount of time to be made up beyond the first 10 days?

A: No. The statute says **“may increase the length of one or more other school days”** which is taken to mean the increase must be above whatever the district has established as the standard length of day for each building. However, the district need only add enough increments to make up the minimum number of hours in a day required by state law and rule (5 hours for elementary

schools – grades 1-6; 5.5 hours for middle and high schools – grades 7-12) for the day that is cancelled.

Q: What happens in the case where a building or morning kindergarten classes have a different number of calamity days than the entire district?

A: In these cases, the building or the morning kindergarten classes will consume calamity days and contingency days faster and could be in a position of adding time to the day before the rest of the district gets to that point. These cases would be handled in generally the same manner as they are now – that is, that each building can use calamity days and contingency days and now extended days to accommodate a building's or program's own particular circumstances.

Q: What if the district wants to add a whole hour to certain days?

A: This is acceptable; however, the time added must be in increments of one-half hour. So a district can add 0.5 hour, 1 hour, 1.5 hours, etc. Extending the day by 45 minutes would not be permitted.

Waiver Forms

Districts desiring to use the new extended day mechanism should indicate this on their waiver request form. For the date of the calamity that triggers use of the extended day mechanism, in the field labeled "Contingency Days: Dates to be used" the district should enter "**Extending A/B days by Y hours per day**" where A is the number of days for elementary schools and B is the number of days for middle and high schools, and Y is the time per day that will be added. A district need not provide on the form the specific dates that time will be added.

Further Information

Questions related to the contents of this document can be directed to the Area Coordinator, or by e-mail to calamitydaywaiver@ode.state.oh.us. When sending e-mail, indicate "Question about calamity day waivers" in the subject of the e-mail. We also welcome comments on this document in order to make it clearer, answer more questions, etc.